IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.W.P. No. 15126 of 2004
Date of decision: November 20, 2006

Shish Pal and Ors. .....*Petitioners*

Versus

State of Haryana through Director, Consolidation of Holdings, Haryana etc.

.....*Respondents*

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA
HON'BLE MRS. JUSTICE NIRMAL YADAV

Present: Mr. Som Nath Saini, Advocate
for the petitioners

Mr. R.S. Kundu, Addl. A.G., Haryana

-.-

ASHUTOSH MOHUNTA, J (Oral)

The challenge in the present writ petition is to the Notification dated 24.07.2003 (Annexure P-2), by which re-consolidation in village Salola, which is mentioned at serial No. 44 in the notification, has also been done.

Learned counsel for the petitioners submits that 90% of the villagers are satisfied with the consolidation already done in the year 1950 and there is no need of re-consolidation in the villagers, especially, in the Village of the petitioners.

Reply has been filed on behalf of the State. Today, an additional affidavit of Inder Singh Rajan, Consolidation Officer, Karnal, has also been filed, in which it has been averred that previously the consolidation in Village Salola, Tehsil Naraingarh District Amabala, was done in the year 1950-51 under the Co-operative Consolidation Act, which was on voluntary

basis and, as there remains numerous draw-backs in the consolidation undertaken at that time, therefore, a fresh consolidation has been done. The draw-backs, pointed out in the affidavit, are as follows:

> "i) That there was no provision to provide paths to the individual chucks.
>
> ii) That the provisions for reserving land for common purposes was very much restricted which was in adequate to meet with the requirements of the village community.
>
> iii) That the notification for carrying out consolidation proceedings was issued on 24.07.2003 in respect of the villages in which the consolidation proceedings were earlier carried out under the Co-operative Act, and work in 14 villages was started and in three villages the consolidation proceedings are near completion under the present Act. It is worth mentioning here that consolidation proceedings have been completed in 6728 villages in the State under the present Act of 1948. It is further submitted that the mode of measurement under the Co-operative Act, was in Bigha, Biswas, whereas in the present Act, it is in Acres, Kanals and Marlas. Now the land record of the entire state is going to be computerized and mode of measurement should be uniformed so that it may not create any hurdle in its computerization."

It has further been averred that the certain affected persons had approached the authorities under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (*in short, the Act),* but no relief could be granted as the consolidation had not been carried out under the said Act.

Learned counsel for the petitioners further contends that the consolidation could only be done for the purposes as mentioned in the additional affidavit in para-2 (i) to (iii) and, therefore, the re-consolidation is against the provisions of Section 14 of the Act. He has also relied on a judgment in *Lal Singh Versus State of Punjab* – **1984 RRR-596** .

A perusal of the Section 14 of the Act, clearly shows that the Government may on its own accord or on an application may make a scheme for consolidation of holdings. In the present case, the application was filed by certain persons for re-consolidation and, accordingly the Government has decided to do the re-consolidation of the villagers afresh.

In view of the above, we are of the considered opinion that the action of the State Government for re-consolidation of the holdings in the petitioners' Village, vide notification, Annexure P-2, is in the interest of the entire village. Therefore, there is no merit in the writ petition and the same is dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

(NIRMAL YADAV)
JUDGE

November 20, 2006
mohan